



Paper No. 10

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In re Application of
Claude Barbeau, et al.
Application No. 09/517,323
Filed: March 2, 2000
Attorney Docket No. 94-P-7514US

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition, filed July 30, 2004, to revive the above-identified application under the provisions of 37 CFR 1.137(b).


The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed December 21, 2001, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. A Notice of Abandonment was mailed on July 30, 2002. In response, on July 30, 2004, the present petition was filed, as well as a Request for Continued Examination (RCE) under 37 CFR 1.114 and a preliminary amendment.

Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. Since the RCE was accompanied by an amendment to the non-final Office action, the reply will be entered and considered under 37 CFR 1.111. As the RCE filed July 30, 2004 is considered improper, the \$385 filing fee paid therefor is being credited to counsel's deposit account.

The petition is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9220. All other inquiries regarding this application should be directed to the Technology Center.

The application file is being forwarded to Technology Center AU 1771 for consideration of the amendment filed July 30, 2004.


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